REMARKS

At the outset, Applicant thanks the Examiner for the thorough review and consideration of the pending application. The final Office Action dated December 21, 2004 has been received and its contents carefully reviewed.

Claims 1, 3, and 17 are hereby amended; and claims 2 and 12 are hereby canceled. Accordingly, claims 1, 3-11, and 13-18 are currently pending, of which claims 4-7 are currently withdrawn. Specifically, an amendment to claim 1 incorporates subject matter recited in commonly rejected claim 2 and, therefore, does not introduce new issues requiring further consideration and/or search. Moreover, an amendment to claim 17 overcomes a rejection made under 35 U.S.C. § 112, second paragraph. Reexamination and reconsideration of the pending claims is respectfully requested.

In the Office Action, the Examiner objected to claim 12 under 35 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Withdrawal of this objection is respectfully requested in view of Applicants' cancellation of claim 12.

In the Office Action, the Examiner rejected claims 12 and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Withdrawal of this rejection is respectfully requested in view of Applicants' cancellation of claim 12 and amendment to claim 17.

In the Office Action, the Examiner rejected claims 1-3 and 17 under 35 U.S.C. § 102(b) as being allegedly anticipated by Okita (U.S. Patent No. 5,747,830). This rejection is respectfully traversed and reconsideration is requested.

Rejecting claim 1, the Examiner cites Okita as disclosing a liquid crystal display comprising "a plurality of gate lines 21a, 21b, 21c ... (Figs. 3, 11B); a plurality of data lines 22a, 22b, 22c, 22d ... crossing the gate lines (Figs. 3, 11B); a plurality of pixel electrodes 16 (Figs. 4, 5), 28 (Figs. 3, 11B) each formed in a pixel area defined by the gate lines and the data lines (Figs. 3, 11B); and a light transmission restricting layer 13, 14 formed beneath the pixel

electrodes 16 and between the data lines 22a, 22b, 22c, 22d (Figs. 4-5)." Preliminarily, Applicant notes that Figures 3 and 4 illustrate a first Example of an inventive concept disclosed in Okita; Figure 5 illustrates a second Example of the inventive concept; and Figure 11B illustrates concepts discussed in the "Related Background Art" section of Okita. Because anticipation requires the identical invention to be shown in as complete detail as is contained in the claim (see M.P.E.P. § 2131), Applicant respectfully submits that any analysis under 35 U.S.C. § 102 involving a reference which discloses multiple embodiments or discussions of the related art must necessarily be confined to a single embodiment, related art discussion, or to aspects shared by each of the embodiments/discussions.

Accordingly, Applicants respectfully submit Okita fails to anticipate the invention as recited in claim 1 because neither Examples 1 nor 2 show wherein the pixel electrode 16 or 28 is formed "in a pixel area defined by the gate lines and the data lines," as asserted by the Examiner and as recited in claim 1. For example, Figure 3 clearly shows wherein the pixel electrode 28 is formed outside an area defined by the gate and data lines and Figures 4 and 5 fail to show any relationship between the pixel electrode 16 and any area defined by gate and data lines. Moreover, while the related art illustrated in Figure 11B of Okita appears to show a pixel electrode 28 formed in a pixel area defined by gate and data lines, Figure 11B and its supporting text fails to teach or suggest a "light transmission restricting layer formed beneath the pixel electrodes and between the ... data lines," as recited in claim 1. For at least this reason, Applicant respectfully requests withdrawal of the present rejection of claim 1 under 35 U.S.C. § 102(b).

As noted above, the Examiner asserts that Okita anticipates claim 1 at least in part because Okita discloses "a light transmission restricting layer 13, 14 formed beneath the pixel electrodes 16 and between the data lines 22a, 22b, 22c, 22d (Figs. 4-5)." However, in the first full paragraph of page 4 of the present Office Action, the Examiner asserts that the "hydrogen supply layer 13" of Okita reads on the light transmission restricting layer recited in claim 1. Claim 1, presently amended to incorporate the subject matter of claim 2, recites wherein the light transmission restricting layer is a semiconductive layer. The "light blocking layer 14" of Okita is not a semiconductive layer because it is formed of a "high melting point metal such as Ti, W, or Ta or a compound thereof such as TiN or TaN," (see Okita, column 6, lines 14-16). Rather,

Okita describes the "hydrogen supply layer 13" as being formed of a semiconductive material (see Okita, column 6, lines 21-23). Moreover, Applicants respectfully submit that Okita is silent as to whether the "hydrogen supply layer 13" is formed between data lines, as would be required for Okita to anticipate claim 1. Moreover, Okita shows in Figure 5 wherein the "hydrogen supply layer 13" is formed over an entirety of the surface topography created by the interlayer insulating film 12 and not between any data lines, as would be required for Okita to anticipate claim 1. For at least this additional reason, Applicant respectfully requests withdrawal of the present rejection of claim 1 under 35 U.S.C. § 102(b).

Claims 3 and 17 depend from claim 1 and, therefore, include all of the elements recited in claim 1. As discussed above, Okita fails to teach, either expressly or inherently, each and every element recited in (i.e., anticipate) claim 1. Therefore, Applicants respectfully submit that Okita fails to anticipate claims 3 and 17. For at least this reason, Applicants respectfully request withdrawal of the present rejection of claims 3 and 17 under 35 U.S.C. § 102(b).

In the Office Action, the Examiner rejected claims 8-12, 13-15, and 18 under 35 U.S.C. § 103(a) as being allegedly unpatentable over the related art shown in Figure 2 in view of Tsujimura et al. (U.S. Patent No. 6,608,658). This rejection is respectfully traversed and reconsideration is requested.

Rejecting claims 8 and 13, the Examiner asserts that Tsujimura et al. discloses a liquid crystal display device comprising "a substrate 10 ... ; an insulating layer 14 formed on the substrate ... ; a plurality of switching devices ... ; a plurality of pixel electrodes 23' ... [and] a light transmission restricting layer 18 formed ... simultaneously with the formation of the active layer 18 of each switching device ..." and that Tsujimura et al. fails to disclose "the particulars of the layout of the TFT array." Attempting to cure the deficiency of Tsujimura et al., the Examiner relies upon the related art shown in Figure 2 and asserts that it would have been obvious to use "the conventional layout of the ... [related art shown in Figure 2] as the layout for Tsujimura because the details of the array ... are conventional in the art." Applicant respectfully submits, however, that such a motivation to modify Tsujimura et al. using the related art shown in Figure 2 is not sufficient to establish a *prima facie* case of obviousness. As set forth at M.P.E.P. § 2143.01, the level of skill in the art cannot be relied upon to provide the suggestion to combine

references. Nevertheless, the presently applied combination of references attempts to arrive at the inventions recited in claims 8 and 13 essentially because Tsujimura et al. and the related art shown in Figure 2 allegedly teach that all aspects of the claimed invention were individually known in the art. That all claimed elements are individually known, however, does not provide any objective reason to combine the references and arrive at the claimed invention. Absent the requisite objective motivation, Applicant respectfully submits Tsujimura et al. has been modified by related art shown in Figure 2 only with the benefit of Applicant's claimed invention via impermissible hindsight reasoning. For at least this reason, Applicant respectfully requests withdrawal of the present rejection of claims 8 and 13 under 35 U.S.C. § 103(a).

Claims 9-12, 14, 15, and 18 variously depend from claims 8 and 13 and, therefore, include all of the elements recited in claim 8 and 13. As discussed above, a *prima facie* case of obviousness has not been established with respect to the elements recited in claims 8 and 13. Therefore, Applicant respectfully submits that a *prima facie* case of obviousness has not been established with respect to claims 9-12, 14, 15, and 18. For at least this reason, Applicants respectfully request withdrawal of the present rejection of claims 9-12, 14, 15, and 18 under 35 U.S.C. § 103(a).

Applicant believes the foregoing amendments and remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: March 21, 2005

Respectfully submitted,

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